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10 *Attorneys for Defendant*

11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
12 **IN AND FOR THE COUNTY OF COCHISE**

13 CITY OF BENSON, a municipal corporate,

14 Plaintiff,

15 v.

16 GMAC MORTGAGE, LLC, a Delaware
17 limited liability company,

18 Defendant.

Case No. CV201600530

**GMAC MORTGAGE, LLC'S NOTICE
OF PENDING BANKRUPTCY
PROCEEDING**

19 GMAC Mortgage, LLC ("GMAC") by and through its undersigned counsel, respectfully
20 submits this *Notice of Pending Bankruptcy Proceeding*, and states as follows:

21 1. On May 14, 2012 (the "Petition Date"), Residential Capital, LLC and certain of its
22 direct and indirect subsidiaries, including GMAC (collectively, the "Debtors"), filed voluntary
23 petitions for relief under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy
24 Court for the Southern District of New York (the "Bankruptcy Court"). The Debtors' Chapter
25 11 cases (collectively, the "Bankruptcy Cases") are being jointly administered, indexed at case
26 no. 12-12020 (MG).

27 2. By filing this Notice, the undersigned hereby provides notice to the Court and the
28 parties of the Bankruptcy Cases that the automatic stay imposed by §362 of the United States
Bankruptcy Code enjoins this entire action, as asserted against GMAC, from proceeding.

3. On December 11, 2013, the Bankruptcy Court entered its *Order Confirming
Second Amended Joint Chapter 11 Plan Proposed by Residential Capital, LLC et al. and the*

1 *Official Committee of Unsecured Creditors* (the “Confirmation Order”) [Bankruptcy Docket
2 6065]¹ approving the terms of the Chapter 11 Plan, as amended (the “Plan”). The effective date
3 under the Plan occurred on December 17, 2013 (the “Effective Date”).

4 4. Both the Plan and Confirmation Order provide for the extension of the automatic
5 stay beyond the Effective Date and provide that the injunctive provisions of the Plan and
6 Confirmation Order will remain in full force and effect following the Effective Date.
7 (Confirmation Order, ¶63(g); Plan, Art. XIII.K). Moreover, both Section G of ¶40 of the
8 Confirmation Order and Article IX.I of Plan contain an “Injunction” provision that,
9 among other things, enjoins all parties from “commencing or continuing in any manner or
10 action or other proceeding of any kind” relating to claims that are released under the Plan.

11 5. In addition, pursuant to Article XII of the Plan and ¶66 of the Confirmation Order,
12 the Bankruptcy Court retained exclusive jurisdiction to hear all matters pertaining to the
13 injunction provided for in the Plan and Confirmation Order. Specifically, the Plan provides as
14 follows:

15 **RETENTION OF JURISDICTION**

16 Notwithstanding the entry of the Confirmation Order and the occurrence of
17 the Effective Date, on and after the Effective Date, the Bankruptcy Court
18 shall retain exclusive jurisdiction over all matters arising out of, or related
19 to, the Chapter 11 Cases and the Plan pursuant to sections 105(a) and 1142
20 of the Bankruptcy Code, including jurisdiction:

21 (a) to allow, disallow, determine, liquidate, classify, estimate, or
22 establish the priority, secured, or unsecured status, or amount of any
23 Claim or Equity Interest, including the resolution of any request for
24 payment of any Administrative Claim and the resolution of any and all
25 objections to the secured or unsecured status, priority, amount, or
26 allowance of Claims or Equity Interests;

27 ...

28 (c) to hear and determine any matter, case, controversy, suit, dispute,
or Causes of Action: (i) regarding the existence, nature, and scope of
the releases, injunctions, and exculpation provided under the Plan, and
(ii) enter such orders as may be necessary or appropriate to implement
such releases, injunctions, and other provisions;

....

¹ Due to its voluminous nature, the Confirmation Order, to which the Plan is an exhibit, is not included as an attachment, but a copy of the Confirmation Order and the Plan may be obtained at no charge at <http://www.kccllc.net/rescap>

